



Perversion of Justice in Nigeria in Afólábí Olábímtán Orílawè a Àdìgún and Baba Rere: A Reflection of Nigeria Judicial System

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Abstract

In Africa, Nigeria in particular, political leaders do not allow the full value of the justice system to work; instead, the course of justice is greatly perverted. This is a worrisome scenario and has become a bitter experience in a democratic setting. Being the third arm of government under democratic principles and the last hope of the common man, the practice of unjust denial or subversion of justice is a significant dent to the survival of democracy. In this paper, an attempt is made to examine the depiction of perversion of justice in contemporary Nigerian indigenous novels. The paper examines the theme of the perversion of justice in two selected Nigerian indigenous novels Orílawè Àdìgún and Baba Rere, focusing on how the author's narrative techniques reveal his stance on moral and judicial corruption in society. The author satirises the situation in his society as a member of the society and the mouthpiece of the people. Two Yorùbá novels are used as the launching pad of the discussion using Marxist critical lens. The study explores how Olabimtan exposes the manipulation of justice by the powerful and the helplessness of the poor through plot construction, characterisation, and the use of irony and symbolism. The paper investigates Orílawè Àdìgún and Baba Rere significant portrayal of justice denial and perversion of justice in neo-colonial Nigeria, in particular, and the entire Africa, in general. It is revealed that, in the novels, Olabimtan depicts the perversion of justice reality and its consequences on the judiciary and the nation at large. The paper observes that the uniqueness of the author's discourse of perversion of justice lies in the adroit blend of the motifs and narrative techniques. It is obvious that Olabimtan's narrative serves as a mirror to postcolonial Nigerian society, where moral and judicial decay undermine social balance and equity

Keywords: Political leaders; Perversion of justice; Democratic setting; Narrative techniques; Marxist theory

Introduction

Literature reflects man's life and his activities in society. It is a discipline that examines man's life and his activities culturally, socially, economically, and politically in society. Human society is experiencing social, cultural, and political conflicts, changes, and challenges all the time. As a powerful instrument, literature has an immeasurable impact to reshape and restructure the wrongs noticed by depicting the society as it is, that is by creating a semblance of the social, cultural, and political realities and by suggesting alternative patterns. Literary artists, through their powers of imaginative creativity, are saddled with the responsibility of discussing problems faced by society, Nigeria inclusive, especially the masses, as it relates to leadership and governance of the people. Their role is not limited to criticism or criticism of the wrongs in society; they are expected to be more committed to the cause of freeing society from ills. Literature remains a creative product of society through imagination; it is a



representation of events through which people mirror life. Mkanem (2010:80) posits that 'literature is a social phenomenon constantly sensitive to and exposing new aspects of life, current demands and hope, giving rise to new social attitudes and relationships, which were hitherto not noticed'. Literature is seen as a veritable tool to shape society for the better.

Literature is a social act, scrutinising social realities through the total of human experiences, social, religious, economic, political, and ethical issues. It is a tool for shaping society for the better through the critical examination of existential experiences in society. Literary artists make use of language and imaginative and selected words to express, expose, explore, criticise, sensitise, and discover feelings, ideas, opinions, thoughts, and values through their creativity and artistic endowment. They create a world of their own or re-create a semblance of the existing world by reflecting or refracting present events, past events, and future expectations to censure and suggest a sanitised society. As a result of the uniqueness of the powerful influence of literature in society, literary artists have become sensitive to the challenges of political leadership and also to corruption in governance. Therefore, they deploy their literary skill to satirise and represent real societal issues, including abnormalities in governance. This is aimed at aiding societal change and correcting social ills and abnormalities.

African novel is a distinctive genre of literature that presents ideas, characters, relationships, things, and worlds. It is also concerned with social and political issues. Therefore, novelists, through their writings, convey their repugnance against social evils, political abnormalities, inept leadership, and corruption in the corridors of power. African novelists, Yoruba novelists inclusive, are aware of the pathetic situation caused by the monumental corruption and bad governance in the society. There is a significant notice of underdevelopment in Nigeria and other African nations because of the inefficiency of the political elites, who have failed the masses in good leadership and governance, but have rather brought about severe suffering, hardship, and squalor to the masses and underdevelopment to the society at large. The political leadership, the executive, the legislative, and the judiciary continue in the fraudulent style of governance even till today, more than six decades after the departure of the colonial masters. That is why Achebe (1983:10) observes that:

The trouble with Nigeria is simple and squarely a failure of leadership. There is nothing wrong with the Nigerian land or climate or water or air, or anything else. The Nigerian problem is the unwillingness or inability of its leaders to rise to its responsibility, to the challenge of personal example which is the hallmark of true leadership.

The major thrust of this paper is to examine Orilawe *Adigun* and *Baba Rere*, two novels written by Afólábí Olábímtán and which focus on the perversion of justice in the judiciary arm of government, a phenomenon which has become a hindrance to having good governance in Africa and specifically in Nigeria. In Nigeria, for instance, *Orilawe Adigun* and *Baba Rere* can be considered to be novels of revolt against corruption in society, especially in the judiciary. The content of the novels is evidence of inept leadership and corruption in governance. His novel is a response to a depressed judicial situation in Nigeria. The novels are used to expose the dissatisfaction of the masses against the judiciary arm, the last hope of the common man, but it has had its image dented by the political elites, reducing it to a mere puppet. In Afolabi Olabimtan's *Orilawe Adigun* and *Baba Rere*, the author exposes the rot within the moral and judicial systems of postcolonial Nigeria. Justice, which should uphold fairness and truth, is portrayed as being manipulated by those in positions of power, resulting in the exploitation and



victimisation of the weak. Lindfors (1971:1) opines that ‘writers have served not only as chroniclers of contemporary political history but also as advocates of radical changes. Afolabi Olabimtan provocatively portrayed a scene of scepticism through the representation of corruption in the judiciary and its effect on the political space in the novels.

Definition of Background

Judiciary

The justice system is considered to be the embodiment of the legal order of a state. This system not only protects the state and its subjects but must treat all as equal with no unjust denial or subversion of justice. In every society, laws are enacted in essence to secure the greatest happiness of the greatest number. The world's justice system presents the whole gamut or ambit of the workings of the judiciary in any given society. The judicial systems, in a democratic setting, are seen to be independent of the political system in terms of interference or incursion into its workings, either on the bench or on the bar. The integrity of the judiciary remains sacrosanct and a strong defender of the state, democracy, and the people when not infringed upon by the powers or actors that be. It is obvious that a strong and effective justice system is the efficacy and backbone of effective democracy and good governance. It A strong and effective justice system is a reliable and life-wire of any sustainable democracy and government. Ibhawoh (2000), as cited in Okechukwu (2014:120), avers that ‘the crop of African leaders today are those who want justice to be what they say and not what the constitution stipulates, hence they violate with impunity and rights that oppose the desire of the common man. This, to a large extent, has become a great threat to the African democracy and, if not checked, will cause a great setback to the tenets of democracy and good governance in Africa.

Governance

Governance refers to the activities of governing a nation or controlling an organisation. It is an act of controlling the affairs of the nation by making decisions and policies and executing them on behalf of the people. According to the World Bank Report (1989) ‘governance is the exercise of political power in the management of a nation’s affairs. It encompasses the state’s institutional and structural arrangements, decision-making process, and implementation capacity, and the relationship between the governing apparatus and the governed in terms of their standard of living. It can be summed up as the process of decision-making and how the decisions are carried out for efficient management of the state and institutions, taking into consideration public accountability, transparency in government procedures, the rule of law and public sector management, control of corruption, and political stability. According to Chasan (1992:122):

Government is the capacity to establish and sustain workable relations between individual actors to promote collective goals or as a process of organising and managing legitimate power structure, entrusted by the people, to provide law and order, protect fundamental human rights, ensure rule of law and due process of law, provide for their happening or the capacity of entrenched authority of the central state and to regularise its relations with society.



Corruption

Corruption is a global phenomenon and has assumed an all-important subject of discourse all over the world today because of its direct impact on lives, progress, development, and stability. It is an anti-social behaviour which is both endemic and epidemic in nature, and is of great concern in society. Corruption is seen as improper activities and transactions aimed at changing the normal course of events, judgment, and position of trust. According to Andrig and Fjedstad (2001:4), corruption is a complex and multifaceted phenomenon with multiple causes and effects: it takes on various forms and functions in different contexts. It is a universal menace.

Similarly, Gboyega (1996:6) is of the view that corruption is any decision, act, or conduct that subverts the integrity of the people in authority or institutions charged with promoting, defending, or sustaining the democratisation process, thereby undermining its effectiveness in performing its assigned role. Corruption reduces the value of democracy and good governance by subverting the formal process. It undermines the legitimacy of the government and the standard of society. It is a ruthless violation of established rules for personal gain and benefits.

Corruption encompasses numerous unwholesome, unethical practices by rulers or leaders in collaboration with family members, associates, proxies, and relations to subvert the existing standard in society. These practices include, but are not limited to, mismanagement of public funds, political assination, moral corruption, negligence of the masses, selection/election corruption, perversion of justice, etc. According to Ogundiya (2009), corruption refers to the betrayal of public trust for individual or public gain. It is a ruthless violation of established rules for personal gain and benefits.

The Synopsis of Orilawè Àdìgún and Baba Rere

Orilawè Àdìgún 1993 - Afólábí Olábímtán

There are political contests and elections in Owódé, their campaigns witness blackmail, violence, vandalism, character assassination, perversion of justice from propaganda, political opponents, and the like. Nínálowó political party eventually wins the election by defeating Motótán political party. The elected party holds power at the Federal level.

Lawè is a journalist who is deeply involved in politics. He always defends the course of his people in Owódé as a member of the ruling political party. The ruling party, Nínálowó under the leadership of the Head of government (President) shares political offices with people, the position of chairmanship of the Board of Parastatals. In the distribution of political posts, ethnicity and marginalisation become important factors. Out of the eight political posts shared, people of Owódé are not considered for any post; five political posts are given to the people from Awèrá, two posts are given to Imírin people, while only one is given to Odúráyà. This generates communal conflict, as Owódé people and other sections of the state feel marginalised and cheated.

Lawè is seriously angry with this development, that none of his Kingsmen from Owódé is considered for any political post; this resulted in the use of diabolical means to upturn the initial arrangement of the political posts by Nínálowó political party. He influences the arrangement by re-arranging the names and posts and giving some posts to his people, despite the fact that



he was aware that the chairmen had been notified about their appointments before the meeting with the presidents. This causes destabilisation among the members of Nínálowó political party.

At last, the military took over power as a result of these inordinate and undemocratic practices of the Nínálowó political party in Owódé. The author satirises the political situation during the National Republic Convention (NRC) and Social Democratic Party (SDP) period in Nigeria.

Baba Rere 1978 - Afólábí Olábímtán

Dúródọla is a smuggler; he has questionable character and became wealthy through an illegal trade. He is involved in criminal activities as he is always ready to kill any customs officer on his way. He serves as an enemy of the state through the remodelling and selling of fake drugs, drinks, and other prohibited items to the citizens of Sohò. He stops the business and turns to politics, using the proceeds from illegal business to get what he wants in Sohò.

Dúródọlá, through the influence of money and the cooperation of his close friend, Ojo Kure, can secure the traditional title of Balógún of Sohò, a title that is meant for a particular lineage in Sohò. Dúródọla uses money to buy the chieftaincy title for himself and his wife; he also uses money to win the hearts of the electorate.

Òjọ, who is an intimate friend of Dúródọlá, starts envying him and is looking for an opportunity to blackmail him. This is done because of Òjọ's inordinate ambition for political power.

Dúródọlá is elected as the Chairman of his local government after he had used money and influence to suppress Òjọ, his friend, who formed another political party to frustrate Dúródọlá's political ambition. Dúródọla has questionable character but contested for a chairmanship post in Sohò and won. The author satirises the likely situation in Nigeria's political space where elections and attainment of political posts are no longer based on merit but influence of money and other factors.

Theoretical Framework

This study employs the Marxist theory as a framework. Marxism is a theory used in the critical analysis of history, society, revolution, and economy; it was later found applicable to literature. The proponents and advocates of Marxist Theory share the opinion that Marxism as a literary theory is developed from the writings of Karl Marx (1818-1883) and Frederick Engels (1820 – 1895). Marx's and Engels' views were collected from their scattered writings on literature, which they did not develop systematically (Bolarinwa, 2013; Adeleke, 2017). Theory is a body of ideas and a kind of political practice that is influenced by some changes in the world.

Marxism differs from other forms of criticism because it feels a radical discomfort with the way things are and insists on a change for the better in society. The uniqueness of this approach has made it a veritable instrument to advocate the social, economic, and political experience of man toward a redefined human society. Emmanuel (2002:31) submits that 'the Marxist approach to literary artistry differs from other approaches by virtue of its claim. It is characterised by its opposition to social, political, and economic injustice, which, according to it, are products of capitalism.

Marxists argue that political power is vested in the hands of a group of people (the bourgeoisie) who are the political leaders. This class exercises its political power and influence to cheat and oppress the masses (the proletariat). Literary artists are compelled to expose all forms of



political and economic oppression by the bourgeoisie against the proletariat. They also write on the emancipation of the masses and their total freedom from political and economic oppression (Opefeyitimi, 1997).

In view of the foregoing, Marxist Theory is applicable and relevant to the study of perversion of justice as a form of corruption in the selected texts. This is because the novelists try to sensitise the masses and the entire society on the need to take the right decisions and understand their fundamental human rights. This will enable them to understand what is right and what is wrong, and they will be able to oppose injustice in their society. The proponents of this theory believe that political power is committed into the hands of a group who are using their power to oppress and cheat the other group (the masses). Marxist criticism calls for awareness on the part of the masses for an organised class struggle.

Marxist literary theory provides a powerful framework for analysing the concept of justice as represented in literary texts, particularly when that justice is perverted or distorted by class, power, and economic interests. The two texts *Orílawè Addígún* and *Baba Rere* written by Afólábí Olábímtán, directly imply a concern with social inequality, corruption, and the manipulation of moral or legal systems; these are issues that are central to Marxist critiques.

Marxist literary theory provides a useful framework for analysing Olabimtan's texts *Orílawè Adígún* and *Baba Rere*, as it focuses on the power dynamics between social classes and the role of ideology in sustaining injustice. According to Marxist thought, justice in a capitalist or class-based society is often shaped by those who control the means of power. Olabimtan's depiction of corrupt elites and oppressed masses fits within this structure — the "justice" administered in his novels becomes a tool of oppression rather than liberation.

In the context of Olabímtán's two novels, which are deeply rooted in Nigerian socio-political realities, the 'perversion of justice' can be viewed as an outcome of the unequal distribution of power and wealth among different social classes. Marxist theory allows the critic to explore how the ruling elite manipulate justice to maintain dominance and suppress the lower classes, thereby perpetuating social injustice and alienation. These factors justify the use of Marxist theory to analyse the two texts.

Perversion of justice as reflected in the selected Yorùbá novels.

Corruption in the form of perversion of justice identified in governance in Yoruba society and in Nigeria and Africa generally, as depicted in the selected texts, is analysed using the contexts in which they are presented. Corruption is the perversion of integrity of state affairs through bribery, favour or moral depravity (Osoba 1996; cited in Olayiwola 2013:55). As noted by Gboyega (1996:6) corruption is any secession, act or conduct that subverts the integrity of people in authority or institutions charged with promoting, defending or sustaining the democratisation process, thereby undermining its effectiveness in performing its assigned roles'. Fjedstad, Isaksen (2008), and Ogundiya (2009) define corruption as the betrayal of public trust because of individual gain. Vision 2010 (1997) claims that corruption is improper activities or transactions aimed at changing the moral course of events, judgment, and position of trust. It is a potent cancer that is responsible for socio-economic and political challenges in Nigeria. It is also seen as a great violation of human rights and a cause of the setbacks noticed in society.



Perversion of Justice in Nigeria in Afólábí Olábímtán Orilawè a Àdìgún and Baba Rere: A Reflection of Nigeria Judicial System

In Africa, Nigeria in particular, the image of the judiciary has been dented. Political leaders do not allow the full value of the justice system to work; instead, the course of justice is greatly perverted. The author of *Orilawè Àdìgún* and *Baba Rere* satirically depicted the scene of perversion of justice in the two novels, as he is a critic of the social and political situation in his society. Hart (1971), as cited in Chilaka (2013:114), argues that ‘the justice system is the embodiment of the legal order of a state. It not only protects the state and its subjects but must treat all equally with no unjust denial or subversion of justice. He adds that it must have a logical coherence, causal efficacy, and embody a power structure that can reward and punish as the case may apply. Perversion of justice means a false accusation against a person. It is an act done to prevent the truth from prevailing in a crime. It may involve intimidation or interference with a case witness or fabricating lies to be presented as evidence. Perversion of justice is an act of changing a good or right judgment to a bad or wrong judgment. Political leadership introduced hypocrisy into Nigeria's justice system, which is the reason for poor justice delivery, justice denial, corruption, and justice delay in the country.

In *Orilawè Àdìgún*, the author satirises how the course of justice is perverted through corrupt means, as characteristics of the current Nigerian political system. Nínálowó’s party has decided with the chief judge on the amount which each member of Motótán’s party would pay; failure in which would result in being sentenced to prison. Nínálowó’s party has taken control of the machinery of justice (police and the judges) because they succeeded in bribing the police, who would influence the outcome of the investigation and prosecution. To ensure a permanent derailment of justice, the Chief Judge is compromised because cheques are already written and signed in favour of each case that is likely to attract a conviction. This is shown in Ade’s explanation to Lawè, when Lawè advises him not to sleep inside the house because of an assassination attempt on him to get the secret documents that are with him, like a photocopy of the cheques duly signed by the chairman of Nínálowó’s party in favour of the Chief Judge of the state. The excerpt below indicates this:

Adè jéwọ́ fún Lawè pé fótò sòwédowó ti olórí Ègbé Nínálowó fúnrarè fowósi kí ó tó fún ògá ọlópàá wa lówó òun, ó ní fótò àdéhùn láàrin Ègbé Nínálowó àti adájọ́ àgbà páapàá nipa iyé tí adájọ́ yóò má gbà lóri omọ́ Ègbé Motótán kọ̀òkan tí ó ba dá ẹ̀wọ̀n fún tún wà lówó òun

Olábímtán (*Orilawè*, 1973: 87)

Adé disclosed to Lawe that a photocopy of the duly signed cheque given to the Police boss by the chairman of Nínálowó political party is with him; he equally declared that the photocopy of the agreement paper between Nínálowó political party and the chief judge on each case on members of Motótán political party that would attract conviction was with him.

In *Baba Rere*, perversion of justice is satirised when Mr. Kudoro explains to his daughter, Àjíkè, and her husband, Lékè, the story of a case which involved a Korean and the landowners. The Korean had gone before the landowners to bribe the judge before the landowners could offer their own bribe to the judge. The course of justice was perverted, and the case on the landed property was delivered in favour of the Korean man. This is shown in the excerpt below:

O seun, o jàre, àna mi. Àwọ̀n onilẹ̀ pé kí wọ̀n tó dé ọ̀dọ́ adájọ́. Kòràà ti síwájú wọ̀n dé ibẹ̀, ó ti fún un l’ówó, ó sì ẹ̀ ilé́rì pé òun yóò fún adájọ́ ọ̀hún ni ilẹ̀-ilẹ̀ méjìlẹ̀lọ̀gbọ̀n nínú ilẹ̀ nàà bí ó



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bá bọ si òun lówó. Fúnra adájó ni ó sọ fún àwọn ọmọ onilè pé wọn ti pé. Bóyá kì bá si ẹ tiwọn ẹgbọn owó ti wọn mu lọ fún un kò tó idajì èyí tí Kòràá mú fún un, àwọn ò ti'è si sọ nípa ilè-ilé rará.

Owólabí (*Baba*, 1972: 239)

Thank you, my in-law, the landlords were late before they came to the judge. The Korean man had come before them; he had given money to him; he promised to give the judge a large portion of land out of the disputed land if the judgment was in his favour. It was the judge himself who told the landlord that they were late. Maybe he should have favoured them, but the money they offered the judge was not up to what the Korean man offered him; they did not even promise land at all.

The author of the selected novels satirises and gives a picture of the level of perversion of justice in Nigeria's political system which has denied the common man his right to fair justice, good governance, and other benefits of democracy as a system of government. The author is able to establish the fact that the justice system can only work where the judiciary is independent from political governance; otherwise, if it is interfered with, it could promote abuse, injustice, and perversion of justice, as is being witnessed in the Nigerian political system today.

Also, in *Baba Rere*, the author satirises bribery and corruption noticed in the police force and judiciary in Nigeria. He exposes how government agents, police officers, and judges are involved in bribery and corruption in society. The discussion that ensues between Kudoro, Selíà, Lékè, and Àjíké when Kudoro and Àjíké moved to the new house given to them by Bálógun of Sohó confirms this. Kudoro explains a scene where a judge collected money and landed property to favour a Korean man on an issue that involved a landed property between him and the landowners because of the bribe collected from him. The excerpt below shows this:

Selíà ni àwọn ni wọn mọ èyí tí wọn rù tí ọrùn n wò wón. Ó ní, 'Bí ọlópàá bá n gba owó-ẹhìn, tí adájó n gba owó-ẹhìn, ta ni ha tún kù tí a n pè ní ijọba? Ìgbà tó bá pé wọn ó ẹ òfin pe kí a máa gba owó-ẹhìn bí a ti n gba tí iwájú.'

Ọlabímtán (*Baba*, 1972:229)

Selíà said they are the only people who are aware of the difficult situation in which they have found themselves. She said, if police are collecting kickbacks, if judges are collecting bribes, who remains to be referred to as government? At times, they will enact a law that we should start collecting bribes, as we are collecting money from the front.

The collection of kickbacks is highly noticed and is on the increase in public offices in Nigeria, as depicted by the novelists, pointing out its negative effects on society as a stigma to celebrate standards and merit in the discharge of official duty in governance. Kickback affects the discharge of duties faithfully; it encourages corruption and poor service delivery in public businesses.

Conclusion

The author of the two selected texts can establish the fact that corruption in the judiciary. Through perversion of justice, it has become a major dent to the operation and sustainability



of true democracy in Nigeria and Africa in general. This, to a greater extent, has posed a challenge to the legitimacy of democracy as the best form of governance. He emphasised the fact that Nigeria as a nation is blessed with both natural and human resources, but is unfortunate to be governed and led by a coalition of bad and inept political leadership. He suggests that there is a need for reshaping and restructuring of the judiciary to restore its dignity and to make it the last hope of the common man, as it was before. And for democracy to thrive, the judiciary has to take its stand on the course of justice and fairness to ensure a better society.

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